Eric Whitfield 04A3512
Auburn Correctional Facility
135 State Street
Auburn, NY. 13024

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: __________
DATE FILED: Dec 21, 2010

PRO SE OFFICE

December 14, 2010

Hon. Ronald Ellis
Magistrate Judge
500 Pearl St.
New York, NY. 10007

Re: 10 Civ. 3038 (RJS)(RLE)

Honorable Judge Ellis:

Pro se Petitioner Eric Whitfield is in receipt of the Court's Decision to not reconsider Petitioner's motion for a stay, in order to file a writ of error coram nobis. (Reconsideration filed Dec. 7, 2010, Court's Decision recieved by Petitioner on Dec. 13, 2010)

However disappointing the Court's Decision is, Petitioner-Whitfield is thankful and gratful that the Court will review the merits of the evidence that Whitfield has submitted.

He respectfully prays that his current Pet. for a writ of habeas corpus has now been fully brief. The language of the law hasnot been easy for Petitioner to articulate nor draft Pro se. Yet, he has presented documentation of facts to support the above mentioned Petition.

Whitfield, humbly ask that an objective standard of review be applied to his Federal Habeas Corpus Pet., so that the injustice of his wrongful conviction may be remedied.

Sincerely,

cc./file.

#31

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMORANDUM
Pro Se Office

To: The Honorable Ronald L. Ellis, U.S.M.J.

From: R. Marmolejos, *Pro Se* Office Writ Clerk, x0177

Date: December 20, 2010

Re: **Whitfield v. Graham, No. 10 Civ. 3038 (RJS)(RLE)**

The attached letter, which was received by this Office on December 17, 2010 has been submitted to the Court. The document is deficient as indicated below. Instead of forwarding the document to the docketing unit, I am forwarding it to you for your consideration. See Fed. R. Civ. P. 5(d)(2)(B), (4). Please return this memorandum with the attached papers to this Office, indicating at the bottom what action should be taken.

( ) No original signature.

(X) No affirmation of service/proof of service.

( ) The document appears to be a request in the form of a letter.

( ) Other:____

(X) **ACCEPT FOR FILING** ( ) **RETURN TO *PRO SE* LITIGANT**

Comments:

____
United States District Judge

Ronald L. Ellis
____
United States Magistrate Judge

Dated: 12-21-10

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